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# CONSTITUTION

OF THE

# STATE OF ARKANSAS.

ADOPTED IN CONVENTION SEPTEMBER 7, 1874

## PREAMBLE

*We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this Constitution.*

## ARTICLE I.

### BOUNDARIES.

We do declare and establish, ratify and confirm, the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi River, on the parallel of thirty-six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis River; thence up the main channel of said last named river to the parallel of thirty-six degrees, thirty minutes of north latitude; thence west with the southern boundary line of the State of Missouri to the southwest corner of said last named State; thence to be bounded on the west to the north bank of Red River, as by act of Congress and treaties existing January 1, 1837, defining the western limits of the Territory of Arkansas and to be bounded across and south of Red River by the boundary line of the State of Texas as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary line of said last named State to the middle of the main channel of the Mississippi River; thence up

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the middle of the main channel of said last named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the Territory or State of Arkansas, to the thirty-sixth degree of north latitude, the place of beginning.

## SEAT OF GOVERNMENT.

The seat of government of the State of Arkansas shall be and remain at Little Rock, where it is now established.

## ARTICLE II.

## DECLARATION OF RIGHTS.

Section 1. All political power is inherent in the people, and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same in such manner as they may think proper.

Sec. 2. All men are created equally free and independent, and have certain inherent and inalienable rights, amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving just powers from the consent of the governed.

Sec. 3. The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous condition.

Sec. 4. The right of the people peaceably to assemble to consult for the common good, and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

Sec. 5. The citizens of this State shall have the right to keep and bear arms for their common defense.

Sec. 6. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such rights. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.

Sec. 7. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.

Sec. 8. No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment or cases such as the General Assembly shall make cognizable



by justices of the peace, and courts of similar jurisdiction; or cases arising in the army and navy of the United States; or in the militia when in actual service in time of war or public danger; and no person for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 9. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishment be inflicted; nor witnesses be unreasonably detained.

Sec. 10. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed; provided that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such a manner as now is, or may be, prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be heard by himself and his council.

Sec. 11. The privilege of the writ of habeas corpus shall not be suspended, except by the General Assembly, in case of rebellion, insurrection or invasion, when the public safety may require it.

Sec. 12. No power of suspending or setting aside the law or laws of the State shall ever be exercised except by the General Assembly.

Sec. 13. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase, completely, and without denial, promptly and without delay, conformably to the laws.

Sec. 14. Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 15. The right of the people of this State to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Sec. 16. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud.

Sec. 17. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 18. The General Assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

Sec. 19. Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.

Sec. 20. No distinction shall ever be made by law between resident aliens and citizens in regard to the possession, enjoyment or descent of property.

Sec. 21. No person shall be taken or imprisoned, or disseized of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed or deprived of his life, liberty or property; except by the judgment of his peers or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

Sec. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

Sec. 23. The State's ancient right of eminent domain and of taxation is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations to the extent of providing for their existence, maintenance and well being, but no further.

Sec. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect or support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship above any other.

Sec. 25. Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 26. No religious test shall ever be required of any person as a qualification to vote or hold office, nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

Sec. 27. There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall at all times be in strict subordination to the civil power; and no soldier shall be quartered in

any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

Sec. 28. All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

Sec. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained shall be void.

### ARTICLE III.

#### FRANCHISE AND ELECTIONS.

Section 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.

Sec. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Sec. 3. All elections by the people shall be by ballot. Every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the elector who presents the ballot. The election officer shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding, or a proceeding to contest an election.

Sec. 4. Electors shall, in all cases (except treason, felony and breach of the peace), be privileged from arrest during their attendance at elections and going to and from the same.

Sec. 5. No idiot or insane person shall be entitled to the privileges of an elector.

Sec. 6. Any person who shall be convicted of fraud, bribery or other wilful and corrupt violation of any election law of this State shall be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.

Sec. 7. No soldier, sailor or marine in the military or naval service of the United States shall acquire a residence by reason of being stationed on duty in this State.

Sec. 8. The general elections shall be held biennially, on the first Monday of September; but the General Assembly may by law fix a different time.

Sec. 9. In trials of contested elections and in proceedings for the investigation of elections no person shall be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

Sec. 10. No person shall be qualified to serve as an election officer who shall hold at the time of the election any office, appointment or employment in or under the government of the United States or of this State, or in any city or county, or any municipal board, commission or trust in any city, save only the justices of the peace and aldermen, notaries public and persons in the militia service of the State. Nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve—save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

Sec. 11. If the officers of any election shall unlawfully refuse or fail to receive, count or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

Sec. 12. All elections by persons acting in a representative capacity shall be *viva voce*.

#### ARTICLE IV.

##### DEPARTMENTS.

Section 1. The powers of the government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

Sec. 2. No person or collection of persons, being of one of these departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

#### ARTICLE V.

##### LEGISLATIVE.

Section 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Sec. 3. The Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. At the first session of the Senate the senators shall divide themselves into two classes by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

Sec. 4. No person shall be a senator or representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been for two years next preceding his election a resident of this State, and for one year next preceding his election a resident of the county or district whence he may be chosen. Senators shall be at least twenty-five years of age and representatives at least twenty-one years of age.

Sec. 5. The General Assembly shall meet at the seat of government every two years on the first Tuesday after the second Monday in November until said time be altered by law.

Sec. 6. The Governor shall issue writs of election to fill such vacancies as shall occur in either house of the General Assembly.

Sec. 7. No judge of the supreme, circuit or inferior courts of law or equity, Secretary of State, Attorney General for the State, Auditor or Treasurer, recorder, clerk of any court of record, sheriff, coroner, member of Congress, nor any other person holding any lucrative office under the United States or this State (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the General Assembly.

Sec. 8. No person who now is or shall be hereafter a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any office of trust or profit, until he shall have accounted for and paid over all sums for which he may have been liable.

Sec. 9. No person hereafter convicted of embezzlement of public money, bribery, forgery or other infamous crime shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

Sec. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

Sec. 11. Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns and elections of its own members. A majority of all the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house shall provide.

Sec. 12. Each house shall have the power to determine the rules of its proceedings; and punish its members or other persons for contempt or disorderly behaviour in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes or private solicitations; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause. A member expelled for corruption shall not thereafter be eligible to either house; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense. Each house shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy; and the yeas and nays on any question shall, at the desire of any five members, be entered on the journals.

Sec. 13. The sessions of each house and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 14. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be taken viva voce and entered on the journals.

Sec. 15. The members of the General Assembly shall, in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. The members of the General Assembly shall receive such per diem pay and mileage for their services as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services under any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election.

Sec. 17. The regular biennial sessions shall not exceed sixty days in duration, unless by a vote of two-thirds of the members elected to each house of said General Assembly. Provided, that this section shall not apply to the first session of the General Assembly under this Constitution, or when impeachments are pending.

Sec. 18. Each house, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur, shall elect from its members a presiding officer to be styled, respectively, the President of the Senate and the Speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, the Senate shall elect another president from those members whose terms of office continue over, who shall qualify and remain President of the Senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of Governor, shall perform the duties and exercise the powers of Governor, as elsewhere herein provided.

Sec. 19. The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas."

Sec. 20. The State of Arkansas shall never be made defendant in any of her courts.

Sec. 21. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Sec. 22. Every bill shall be read at length on three different days in each house, unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of each house be recorded thereon as voting in its favor.

Sec. 23. No law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Sec. 24. The General Assembly shall not pass any local or special law changing the venue in criminal cases; changing the names of persons or adopting or legitimating children; granting divorces; vacating roads, streets or alleys.

Sec. 25. In all cases where a general law can be made applicable no special law shall be enacted; nor shall the operation of any general law be suspended by the legislature for the benefit of any particular individual, corporation or association; nor where the courts have jurisdiction to grant the powers or the privileges or the relief asked for.

Sec. 26. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

Sec. 27. No extra compensation shall be made to any officer, agent, employe or contractor after the service shall have been rendered or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws; unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.

Sec. 28. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 29. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which

shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriation shall be for a longer period than two years.

Sec. 30. The general appropriation bill shall embrace nothing but appropriations for the ordinary expense of the executive, legislative and judicial departments of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 31. No State tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.

Sec. 32. No Act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and in case of death from such injuries the right of action shall survive and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

Sec. 33. No obligation or liability of any railroad or other corporation held or owned by this State shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly; nor shall such liability or obligation be released except by payment thereof into the State treasury.

Sec. 34. No new bill shall be introduced into either house during the last three days of the session.

Sec. 35. Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the General Assembly, and any such executive or judicial officer or member of the General Assembly who shall receive or consent to receive any such consideration, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony and be punished accordingly.

Sec. 36. Proceedings to expel a member for a criminal offense, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offense.

## ARTICLE VI.

### EXECUTIVE DEPARTMENT.

Section 1. The executive department of this State shall consist of a Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General, all of whom shall keep their offices in person at the seat of government, and hold their offices for the term of two years and until their successors are elected and qualified, and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands.



Sec. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Arkansas."

Sec. 3. The Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General shall be elected by the qualified electors of the State at large at the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The person having the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.

Sec. 4. Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State and Attorney General shall be determined by the members of both houses of the General Assembly in joint session, who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

Sec. 5. No person shall be eligible to the office of Governor except a citizen of the United States who shall have attained the age of thirty years, and shall have been seven years a resident of this State.

Sec. 6. The Governor shall be commander-in-chief of the military and naval forces of this State, except when they shall be called into the actual service of the United States.

Sec. 7. He may require information in writing from the officers of the executive department on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 8. He shall give to the General Assembly from time to time, and at the close of his official term to the next General Assembly, information by message concerning the condition and government of the State, and recommend for their consideration such measures as he may deem expedient.

Sec. 9. A seal of the State shall be kept by the Governor, used by him officially, and called the "Great Seal of the State of Arkansas."

Sec. 10. All grants and commissions shall be issued in the name and by the authority of the State of Arkansas, sealed with the great seal of the State, signed by the Governor and attested by the Secretary of State.

Sec. 11. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.

Sec. 12. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, or a Governor elected and qualified, shall devolve upon and accrue to the President of the Senate.

Sec. 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die or be absent from the State, the Speaker of the House of Representatives shall, in like manner, administer the government.

Sec. 14. Whenever the office of Governor shall have become vacant by death, resignation, removal from office or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late Governor shall have been elected, the President of the Senate or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving by proclamation sixty days' previous notice thereof, which election shall be governed by the same rules prescribed for general elections of Governor as far as applicable; the returns shall be made to the Secretary of State, and the Acting Governor, Secretary of State and Attorney General shall constitute a board of canvassers, a majority of whom shall compare said returns and declare who is elected; and, if there be a contested election, it shall be decided as may be provided by law.

Sec. 15. Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approves it he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by "yeas and nays," and the names of the members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall become a law, unless he shall file the same, with his objections, in the office of

the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment.

Sec. 16. Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 17. The Governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. 18. In all criminal and penal cases, except in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence, and pardons after conviction; and to remit fines and forfeitures under such rules and regulations as shall be prescribed by law. In case of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date and the date of the commutation, pardon or reprieve.

Sec. 19. The Governor may, by proclamation, on extraordinary occasions convene the General Assembly at the seat of government, or at a different place if that shall have become since their last adjournment dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened, and no other business than that set forth therein shall be transacted until the same shall have been disposed of, after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

Sec. 20. In cases of disagreement between the two houses of the General Assembly, at a regular or special session with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and, on account of danger from an enemy or disease, to such other place of safety as he may think proper.

Sec. 21. The Secretary of State shall keep a full and accurate record of all the official acts and proceedings of the Governor, and, when required, lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly. He shall also

discharge the duties of Superintendent of Public Instruction, until otherwise provided by law.

Sec. 22. The Treasurer of State, Secretary of State, Auditor of State and Attorney General shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this State or under any State, or the United States, or any other power, at one and the same time; and, in case of vacancy occurring in any of said offices, by death, resignation or otherwise, the Governor shall fill said office by appointment for the unexpired term.

Sec. 23. When any office from any cause may become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office, at the next general election, shall be duly qualified.

## ARTICLE VII.

### JUDICIAL DEPARTMENT.

Section 1. The judicial power of the State shall be vested in one Supreme Court; in circuit courts; in county and probate courts, and in justices of the peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established, and when deemed expedient, may establish separate courts of chancery.

Sec. 2. The Supreme Court shall be composed of three judges, one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two judges shall, in every case, be necessary to a decision.

Sec. 3. When the population of the State shall amount to one million, the General Assembly may, if deemed necessary, increase the number of judges of the Supreme Court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or decision.

Sec. 4. The Supreme Court, except in cases otherwise provided by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions as may from time to time be prescribed by law. It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of error and supersedeas, certiorari, habeas corpus, prohibition, mandamus and quo warranto, and other remedial writs, and to hear and determine the same. Its judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs.

Sec. 5. In the exercise of original jurisdiction the Supreme Court shall have power to issue writs of quo warranto to the circuit judges and chancellors when created, and to officers of political corporations when the question involved is the legal existence of such corporations.

Sec. 6. A judge of the Supreme Court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States and two years a resident of the State, and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the Supreme Court shall be elected by the qualified electors of the State and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the court after the first election under this Constitution the judges shall by lot divide themselves into three classes, one of which shall hold his office for four, one for six and the other for eight years, after which each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.

Sec. 7. The Supreme Court shall appoint its clerk and reporter, who shall hold their offices for six years, subject to removal for good cause.

Sec. 8. The terms of the Supreme Court shall be held at the seat of government at the times that now are, or may be, provided by law.

Sec. 9. In case all or any of the judges of the Supreme Court shall be disqualified from presiding in any cause or causes, the court or the disqualified judge shall certify the same to the governor, who shall immediately commission the requisite number of men learned in the law to sit in the trial and determination of such causes.

Sec. 10. The supreme judges shall at stated times receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next General Assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office nor hold any other office, nor hold any office of trust or profit under the State or the United States.

Sec. 11. The circuit courts shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this constitution.

Sec. 12. The circuit courts shall hold their terms in each county at such times and places as are, or may be, prescribed by law.

Sec. 13. The State shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected, who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.

Sec. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas and corporation courts and justices of the peace, and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.

Sec. 15. Until the General Assembly shall deem it expedient to establish courts of chancery the circuit courts shall have jurisdiction in

matters of equity, subject to appeal to the Supreme Court, in such manner as may be prescribed by law.

Sec. 16. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

Sec. 17. The judges of the circuit courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

Sec. 18. The judges of the circuit courts shall at stated times receive a compensation for their services, to be ascertained by law, which shall not, after the adjournment of the first session of the general assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

Sec. 19. The clerks of the circuit court shall be elected by the qualified electors of the several counties, for the term of two years, and shall be ex-officio clerks of the county and probate courts and recorder; provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last federal census, there shall be elected a county clerk, in like manner as clerk of the circuit court, who shall be ex-officio clerk of the probate court of said county.

Sec. 20. No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel or have presided in any inferior court.

Sec. 21. Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock a. m. on the second day of the term and elect a judge to preside at such court, or until the regular judge shall appear; and if the judge of said court shall become sick or die or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court, elect a judge to preside at such court or to try said causes, and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceeding shall be entered at large upon the record. The special judge shall be learned in the law and a resident of the State.

Sec. 22. The judges of the circuit courts may temporarily exchange circuits or hold courts for each other under such regulations as may be prescribed by law.

Sec. 23. Judges shall not charge juries with regard to matters of fact, but shall declare the law, and in jury trials shall reduce their charge or instructions to writing on the request of either party.

Sec. 24. The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years, and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.

Sec. 25. The judges of the supreme, circuit or chancery courts shall not, during their continuance in office, practice law or appear as counsel in any court, State or Federal, within this State.

Sec. 26. The General Assembly shall have power to regulate by law the punishment of contempts not committed in the presence or hearing of the courts, or in disobedience of process.

Sec. 27. The circuit court shall have jurisdiction upon information, presentment or indictment to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance or non-feasance in office.

Sec. 28. The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties. The county court shall be held by one judge, except in cases otherwise herein provided.

Sec. 29. The judge of the county court shall be elected by the qualified electors of the county for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education and a resident of the State for two years before his election, and a resident of the county at the time of his election and during his continuance in office.

Sec. 30. The justices of the peace of each county shall sit with and assist the county judges in levying the county taxes, and in making appropriations for the expenses of the county in the manner to be prescribed by law; and the county judge together with a majority of said justices, shall constitute a quorum for such purposes; and in the absence of the county judge a majority of the justices of the peace may constitute the court, who shall elect one of their number to preside. The general assembly shall regulate by law the manner of compelling the attendance of such quorum.

Sec. 31. The terms of the county courts shall be held at the times that are now prescribed for holding the supervisors courts, or may hereafter be prescribed by law.

Sec. 32. The General Assembly may authorize the judge of the county court of any one or more counties to hold severally a quarterly

court of common pleas in their respective counties, which shall be a court of record, with such jurisdiction in matters of contract and other civil matters not involving the title to real estate as may be vested in such court.

Sec. 33. Appeals from all judgments of county courts or courts of common pleas, when established, may be taken to the circuit court under such restrictions and regulations as may be prescribed by law.

Sec. 34. The judge of the county court shall be the judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estate of deceased persons, executors, administrators, guardians and persons of unsound mind and their estate as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the court of probate shall be held at the times that may hereafter be prescribed by law.

Sec. 35. Appeals may be taken from judgments and orders of the probate court to the circuit court under such regulations and restrictions as may be prescribed by law.

Sec. 36. Whenever the judge of the county or probate court may be disqualified from presiding in any cause or causes pending in his court he shall certify the facts to the Governor of the State, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

Sec. 37. The county judge shall receive such compensation for his services as presiding judge of the county court, as judge of the court of probate and judge of the court of common pleas, when established, as may be provided by law. In the absence of the circuit judge from the county the county judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction, provided that either party may have such order reviewed by any superior judge in vacation in such manner as shall be provided by law. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear and determine writs of habeas corpus under such regulations and restrictions as shall be provided by law.

Sec. 38. The qualified electors of each township shall elect the justices of the peace for the term of two years, who shall be commissioned by the Governor, and their official oath shall be indorsed on the commission.

Sec. 39. For every two hundred electors there shall be elected one justice of the peace, but every township, however small, shall have two justices of the peace.

Sec. 40. They shall have original jurisdiction in the following matters: First, exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the



sum of three hundred dollars, exclusive of interest; second, concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of three hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars; third, such jurisdiction of misdemeanors as is now, or may be, prescribed by law; fourth, to sit as examining courts and commit, discharge or recognize offenders to the court having jurisdiction for further trial, and to bind persons to keep the peace or for good behaviour; fifth, for the foregoing purposes they shall have power to issue all necessary process; sixth, they shall be conservators of the peace within their respective counties, provided a justice of the peace shall not have jurisdiction where a lien on land or title or possession thereto is involved.

Sec. 41. A justice of the peace shall be a qualified elector and a resident of the township for which he is elected.

Sec. 42. Appeals may be taken from the final judgment of the justices of the peace to the circuit courts under such regulations as are now, or may be, provided by law.

Sec. 43. Corporation courts for towns and cities may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the General Assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offenses not punishable by death or imprisonment in the penitentiary, with or without indictment, as may be provided by law, and, until the General Assembly shall otherwise provide, they shall have the jurisdiction now provided by law.

Sec. 44. The Pulaski Chancery Court shall continue in existence until abolished by law, or the business pending at the adoption of this Constitution shall be disposed of, or the pending business be transferred to other courts. The judge and clerk of said court shall hold office for the term of two years, and shall be elected by the qualified voters of the State. All suits and proceedings which relate to sixteenth section lands or to money due for said lands shall be transferred to the respective counties where such lands are located in such manner as shall be provided by the General Assembly at the next session.

Sec. 45. The separate criminal courts established in this State are hereby abolished, and all the jurisdiction exercised by said criminal courts is vested in the circuit courts of the respective counties; and all causes now pending therein are hereby transferred to said circuit courts respectively. It shall be the duty of the clerks of said criminal courts to transfer all the records, books and papers pertaining to said criminal courts to the circuit courts of their respective counties.

Sec. 46. The qualified electors of each county shall elect one sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law; one assessor, one coroner, one treasurer, who shall be ex-officio treasurer of the common school fund of the county, and one

county surveyor, for the term of two years, with such duties as are now or may be prescribed by law. Provided, that no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

Sec. 47. The qualified electors of each township shall elect a constable for the term of two years, who shall be furnished by the presiding judge of the county court with a certificate of election, on which his official oath shall be endorsed.

Sec. 48. All officers provided for in this article, except constables, shall be commissioned by the Governor.

Sec. 49. All writs and other judicial process shall run in the name of the State of Arkansas, bear test and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the State of Arkansas."

Sec. 50. All vacancies occurring in any office provided for in this article shall be filled by special election, save that in case of vacancies occurring in county and township offices six months, and in other offices nine months, before the next general election; such vacancies shall be filled by appointment by the Governor.

Sec. 51. That in all cases of allowances made for or against counties, cities or towns, an appeal shall lie to the circuit court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax-payer of such county, city or town, on the same terms and conditions on which appeals may be granted to the circuit court in other cases; and in the matter pertaining to any such allowance shall be tried in the circuit court de novo. In case an appeal be taken by any citizen he shall give a bond, payable to the proper county, conditioned to prosecute the appeal and save the county from costs on account of the same being taken.

Sec. 52. That in all cases of contest for any county, township or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council or tribunal to the circuit court, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and on such appeals the case shall be tried de novo.

## ARTICLE VIII.

### APPORTIONMENT.

Section 1. The House of Representatives shall consist of not less than seventy-three, nor more than one hundred members. Each county now organized shall always be entitled to one representative, the remainder to be apportioned the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of representatives amounts to one hundred, when they shall not be further increased; but the ratio of representation shall, from time to time, be increased, as hereinafter provided, so that the repre-

representatives shall never exceed that number. And until the enumeration of the inhabitants is taken by the United States government, A. D. 1880, the representatives shall be apportioned among the several counties, as follows:

The County of Arkansas shall elect one representative. The County of Ashley shall elect one representative. The County of Benton shall elect two representatives. The County of Boone shall elect one representative. The County of Bradley shall elect one representative. The County of Baxter shall elect one representative. The County of Calhoun shall elect one representative. The County of Carroll shall elect one representative. The County of Chicot shall elect one representative. The County of Columbia shall elect two representatives. The County of Clark shall elect two representatives. The County of Conway shall elect one representative. The County of Craighead shall elect one representative. The County of Crawford shall elect one representative. The County of Cross shall elect one representative. The County of Crittenden shall elect one representative. The County of Clayton shall elect one representative. The County of Dallas shall elect one representative. The County of Desha shall elect one representative. The County of Drew shall elect one representative. The County of Dorsey shall elect one representative. The County of Franklin shall elect one representative. The County of Fulton shall elect one representative. The County of Faulkner shall elect one representative. The County of Grant shall elect one representative. The County of Greene shall elect one representative. The County of Garland shall elect one representative. The County of Hempstead shall elect two representatives. The County of Hot Spring shall elect one representative. The County of Howard shall elect one representative. The County of Independence shall elect two representatives. The County of Izard shall elect one representative. The County of Jackson shall elect one representative. The County of Jefferson shall elect three representatives. The County of Johnson shall elect one representative. The County of Lafayette shall elect one representative. The County of Lawrence shall elect one representative. The County of Little River shall elect one representative. The County of Lonoke shall elect two representatives. The County of Lincoln shall elect one representative. The County of Lee shall elect two representatives. The County of Madison shall elect one representative. The County of Marion shall elect one representative. The County of Monroe shall elect one representative. The County of Montgomery shall elect one representative. The County of Mississippi shall elect one representative. The County of Nevada shall elect one representative. The County of Newton shall elect one representative. The County of Ouachita shall elect two representatives. The County of Perry shall elect one representative. The County of Phillips shall elect three representatives. The County of Pike shall elect one representative. The County of Polk

shall elect one representative. The County of Pope shall elect one representative. The County of Poinsett shall elect one representative. The County of Pulaski shall elect four representatives. The County of Prairie shall elect one representative. The County of Randolph shall elect one representative. The County of Saline shall elect one representative. The County of Sarber shall elect one representative. The County of Scott shall elect one representative. The County of Searcy shall elect one representative. The County of Sebastian shall elect two representatives. The County of Sevier shall elect one representative. The County of Sharp shall elect one representative. The County of St. Francis shall elect one representative. The County of Stone shall elect one representative. The County of Union shall elect two representatives. The County of Van Buren shall elect one representative. The County of Washington shall elect three representatives. The County of White shall elect two representatives. The County of Woodruff shall elect one representative. The County of Yell shall elect one representative.

Sec. 2. The legislature shall from time to time divide the State into convenient senatorial districts in such manner that the Senate shall be based upon the adult male inhabitants of the State, each senator representing an equal number as nearly as practicable, and until the enumeration of the inhabitants is taken by the United States government, A. D. 1880, the districts shall be arranged as follows:

The Counties of Greene, Craighead and Clayton shall compose the First District and elect one senator.

The Counties of Randolph, Lawrence and Sharp shall compose the Second District and elect one senator.

The Counties of Carroll, Boone and Newton shall compose the Third District and elect one senator.

The Counties of Johnson and Pope shall compose the Fourth District and elect one senator.

The County of Washington shall compose the Fifth District and elect one senator.

The Counties of Independence and Stone shall compose the Sixth District and elect one senator.

The Counties of Woodruff, St. Francis, Cross and Crittenden shall compose the Seventh District and elect one senator.

The Counties of Yell and Sarber shall compose the Eighth District and elect one senator.

The Counties of Saline, Garland, Hot Spring and Grant shall compose the Ninth District and elect one senator.

The Counties of Pulaski and Perry shall compose the Tenth District and elect two senators.

The County of Jefferson shall compose the Eleventh District and elect one senator.

The Counties of Lonoke and Prairie shall compose the Twelfth District and elect one senator.

The Counties of Arkansas and Monroe shall compose the Thirteenth District and elect one senator.

The Counties of Phillips and Lee shall compose the Fourteenth District and elect one senator.

The Counties of Desha and Chicot shall compose the Fifteenth District and elect one senator.

The Counties of Lincoln, Dorsey and Dallas shall compose the Sixteenth District and elect one senator.

The Counties of Drew and Ashley shall compose the Seventeenth District and elect one senator.

The Counties of Bradley and Union shall compose the Eighteenth District and elect one senator.

The Counties of Calhoun and Ouachita shall compose the Nineteenth District and elect one senator.

The Counties of Hempstead and Nevada shall compose the Twentieth District and elect one senator.

The Counties of Columbia and Lafayette shall compose the Twenty-first District and elect one senator.

The Counties of Little River, Sevier, Howard and Polk shall compose the Twenty-second District and elect one senator.

The Counties of Fulton, IZard, Marion and Baxter shall compose the Twenty-third District and elect one senator.

The Counties of Benton and Madison shall compose the Twenty-fourth District and elect one senator.

The Counties of Crawford and Franklin shall compose the Twenty-fifth District and elect one senator.

The Counties of Van Buren, Conway and Searcy shall compose the Twenty-sixth District and elect one senator.

The Counties of White and Faulkner shall compose the Twenty-seventh District and elect one senator.

The Counties of Sebastian and Scott shall compose the Twenty-eighth District and elect one senator.

The Counties of Poinsett, Jackson and Mississippi shall compose the Twenty-ninth District and elect one senator.

The Counties of Clark, Pike and Montgomery shall compose the Thirtieth District and elect one senator.

And the Senate shall never consist of less than thirty nor more than thirty-five members.

Sec. 3. Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senatorial district.

Sec. 4. The division of the State into senatorial districts and the apportionment of representatives to the several counties shall be made by the General Assembly at the first regular session after each enumeration of the inhabitants of the State by the Federal or State government shall have been ascertained, and at no other time.

## ARTICLE IX.

## EXEMPTION.

Section 1. The personal property of any resident of this State who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution, or other process from any court issued for the collection of any debt by contract; provided, that no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

Sec. 2. The personal property of any resident of this State who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution, or other process from any court on debt by contract.

Sec. 3. The homestead of any resident of this State who is married or the head of a family shall not be subject to the lien of any judgment, or decree of any court, or to sale under execution or other process thereon, except such as may be rendered for the purchase money or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them and other trustees of an express trust for moneys due from them in their fiduciary capacity.

Sec. 4. The homestead outside of any city, town or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by the owner, provided the same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

Sec. 5. The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land with the improvements thereon, to be selected by the owner, provided the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, without regard to value.

Sec. 6. If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt and the rents and profits thereof shall vest in her during her natural life, provided that if the owner leaves children, one or more, said child or children shall share with said widow and be entitled to half the rents and profits till each of them arrives at twenty-one years of age—each child's right to cease at twenty-one years of age—and the shares to go to the younger children, and then all to go to the widow, and provided that said widow or

children may reside on the homestead or not; and in case of the death of the widow all of said homestead shall be vested in the minor children of the testator or intestate.

Sec. 7. The real and personal property of any femme couverte in this State acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and remain her separate estate and property and may be devised, bequeathed or conveyed by her the same as if she were a femme sole, and the same shall not be subject to the debts of her husband.

Sec. 8. The General Assembly shall provide for the time and mode of scheduling the separate personal property of married women.

Sec. 9. The exemptions contained in the Constitution of 1868 shall apply to all debts contracted since the adoption thereof and prior to the adoption of this Constitution.

Sec. 10. The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

## ARTICLE X.

### AGRICULTURE, MINING AND MANUFACTURE.

Section 1. The General Assembly shall pass such laws as will foster and aid the agriculture, mining and manufacturing interests of the State, and may create a bureau to be known as the Mining, Manufacturing and Agricultural Bureau.

Sec. 2. The General Assembly, when deemed expedient, may create the office of State Geologist, to be appointed by the Governor, by and with the advise and consent of the Senate, who shall hold his office for such time and perform such duties and receive such compensation as may be prescribed by law. Provided, that he shall be at all times subject to removal by the Governor for incompetency or gross neglect of duty.

Sec. 3. The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this Constitution the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

## ARTICLE XI.

### MILITIA.

Section 1. The militia shall consist of all able-bodied male persons, residents of the State, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or this State, and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

Sec. 2. Volunteer companies of infantry, cavalry or artillery may be formed in such manner and with such restrictions as may be provided by law.

Sec. 3. The volunteer and militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

Sec. 4. The Governor shall, when the General Assembly is not in session, have power to call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection and preserve the public peace in such manner as may be authorized by law.

## ARTICLE XII.

### MUNICIPAL AND PRIVATE CORPORATIONS.

Section 1. All existing charters or grants of special or exclusive privileges under which bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution shall thereafter have no validity.

Sec. 2. The General Assembly shall pass no special act conferring corporate powers, except for charitable, educational, penal or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the State.

Sec. 3. The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and restrict their power of taxation, assessment, borrowing money and contracting debts, so as to prevent the abuse of such power.

Sec. 4. No municipal corporation shall be authorized to pass any laws contrary to the general laws of the State; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same. Provided, that, to pay indebtedness existing at the time of the adoption of this Constitution, an additional tax of not more than five mills on the dollar may be levied.

Sec. 5. No county, city, town or other municipal corporation shall become a stockholder in any company, association or corporation, or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.

Sec. 6. Corporations may be formed under general laws, which laws may, from time to time, be altered or repealed. The General Assembly shall have the power to alter, revoke or annul any charter of corporation now existing and revokable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State, in such a manner, however, that no injustice shall be done to the corporators.

Sec. 7. Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in, the stock of any corporation or association.



Sec. 8. No private corporation shall issue stocks or bonds, except for money or property actually received or labor done, and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws, nor until the consent of the persons holding the larger amount in value of stock shall be obtained at a meeting held after notice given for a period not less than sixty days, in pursuance of law.

Sec. 9. No property, nor right of way, shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner, in money, or first secured to him by a deposit of money which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

Sec. 10. No act of the General Assembly shall be passed authorizing the issue of bills, notes or other paper which may circulate as money.

Sec. 11. Foreign corporations may be authorized to do business in this State under such limitations and restrictions as may be prescribed by law. Provided, that no such corporation shall do any business in this State except while it maintains therein one or more known places of business and an authorized agent or agents in the same upon whom process may be served; and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations and liabilities as like corporations of this State, and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this State, nor shall they have power to condemn or appropriate private property.

Sec. 12. Except as herein otherwise provided, the State shall never assume or pay the debt or liability of any county, town, city or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repel invasion, suppress insurrection or to provide for the public welfare and defense. Nor shall the indebtedness of any corporation to the State ever be released or in any manner discharged save by payment into the public treasury.

### ARTICLE XIII.

#### COUNTIES, COUNTY SEATS AND COUNTY LINES.

Section 1. No county now established shall be reduced to an area of less than six hundred square miles nor less than five thousand inhabitants; nor shall any new county be established with less than six hundred square miles and five thousand inhabitants. Provided, that this section shall not apply to the Counties of Lafayette, Pope and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the Counties of Pope and Johnson.

Sec. 2. No part of a county shall be taken off to form a new county or a part thereof without the consent of a majority of the voters in such part proposed to be taken off.

Sec. 3. No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county seat shall be fully designated. Provided, that in formation of new counties the county seat may be located temporarily by provisions of law.

Sec. 4. In the formation of new counties no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette County.

Sec. 5. Sebastian County may have two districts and two county seats, at which county, probate and circuit courts shall be held, as may be provided by law, each district paying its own expenses.

#### ARTICLE XIV.

##### EDUCATION.

Section 1. Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free schools, whereby all persons in the State between the ages of six and twenty-one years may receive gratuitous instruction.

Sec. 2. No money or property belonging to the public school fund, or to this State for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

Sec. 3. The General Assembly shall provide by general laws for the support of common schools by taxes, which shall never exceed in any one year two mills on the dollar on the taxable property of the State, and by an annual per capita tax of one dollar, to be assessed on every male inhabitant of this State over the age of twenty-one years. Provided, the General Assembly may by general law authorize school districts to levy by a vote of the qualified electors of such district a tax not to exceed five mills on the dollar in any one year for school purposes. Provided further, that no such tax shall be appropriated to any other purpose nor to any other district than that for which it was levied.

Sec. 4. The supervision of public schools and the execution of the laws regulating the same shall be vested in and confided to such officers as may be provided for by the General Assembly.

## ARTICLE XV.

## IMPEACHMENT AND ADDRESS.

Section 1. The Governor and all State officers, judges of the supreme and circuit courts, chancellors and prosecuting attorneys shall be liable to impeachment for high crimes and misdemeanors and gross misconduct in office, but the judgment shall go no further than removal from office and disqualification to hold any office of honor, trust or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.

Sec. 2. The House of Representatives shall have the sole power of impeachemnt. All impeachments shall be tried by the Senate. When sitting for that purpose the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

Sec. 3. The Governor, upon the joint address of two-thirds of the members elected to each house of the General Assembly, for good cause, may remove the Auditor, Treasurer, Secretary of State, Attorney General, judges of the supreme and circuit courts, chancellors and prosecuting attorneys.

## ARTICLE XVI.

## FINANCE AND TAXATION.

Section 1. Neither the State nor any city, county, town or other municipality in this State shall ever loan its credit for any purpose whatever; nor shall any county, city, town or municipality ever issue any interest-bearing evidences of indebtedness, except such bonds as may be authorized by law to provide for and secure the payment of the present existing indebtedness, and the State shall never issue any interest-bearing treasury warrants or scrip.

Sec. 2. The General Assembly shall, from time to time, provide for the payment of all just and legal debts of the State.

Sec. 3. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State or member or officer of the General Assembly, shall be punishable as may be provided by law; but part of such punishment shall be disqualification to hold office in this State for a period of five years.

Sec. 4. The General Assembly shall fix the salaries and fees of all officers in the State, and no greater salary or fee than that fixed by law shall be paid to any officer, employe or other person, or at any rate other than par value; and the number and salaries of the clerks and employes of the different departments of the State shall be fixed by law.

Sec. 5. All property subject to taxation shall be taxed according to its value, that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value, provided the General Assembly shall have power from time to time to tax hawkers, peddlers, ferries, exhibitions and privileges in such manner as may be deemed proper. Provided further, that the following property shall be exempt from taxation: Public property used exclusively for public purposes; churches used as such; cemeteries used exclusively as such; school buildings and apparatus; libraries and grounds used exclusively for school purposes, and buildings and grounds and materials used exclusively for public charity.

Sec. 6. All laws exempting property from taxation other than as provided in this Constitution shall be void.

Sec. 7. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State may be a party.

Sec. 8. The General Assembly shall not have power to levy State taxes for any one year to exceed in the aggregate one per cent of the assessed valuation of the property of the State for that year.

Sec. 9. No county shall levy a tax to exceed one-half of one per cent for all purposes, but may levy an additional one-half of one per cent to pay indebtedness existing at the time of the ratification of this Constitution.

Sec. 10. The taxes of counties, towns and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns and cities respectively.

Sec. 11. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for one purpose shall be used for any other purpose.

Sec. 12. No money shall be paid out of the treasury until the same shall have been appropriated by law, and then only in accordance with said appropriation.

Sec. 13. Any citizen of any county, city or town may institute suit in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

## ARTICLE XVII.

### RAILROADS, CANALS AND TURNPIKES.

Section 1. All railroads, canals and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of

other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other road, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 2. Every railroad, canal or turnpike corporation operated or partly operated in this State shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by them respectively, the transfers of said stock and the names and places of residence of the officers.

Sec. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, canals and turnpikes, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers, within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Sec. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad, canal or corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchise of, or in any way control, any other railroad or canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines, shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Sec. 5. No president, director, officer, agent or employe of any railroad or canal company shall be interested directly or indirectly, in the furnishing of materials or supplies to such company or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

Sec. 6. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals or in favor of either by abatement, drawback or otherwise, and no railroad or canal company or any lessee, manager or employe thereof shall make any preference in furnishing cars or motive power.

Sec. 7. The General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this State, legislative, executive or judicial.

Sec. 8. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 9. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Sec. 10. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal and turnpike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.

Sec. 11. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

Sec. 12. All railroads which are now or may be hereafter built and operated, either in whole or in part, in this State shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the General Assembly.

Sec. 13. The directors of every railroad corporation shall annually make a report under oath to the Auditor of Public Accounts of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

## ARTICLE XVIII.

### JUDICIAL CIRCUITS.

Until otherwise provided by the General Assembly the judicial circuits shall be composed of the following counties:

First—Phillips, Lee, St. Francis, Prairie, Woodruff, White and Monroe.

Second—Mississippi, Crittenden, Cross, Poinsett, Craighead, Greene, Clayton and Randolph.

Third—Jackson, Independence, Lawrence, Sharp, Fulton, Izard, Stone and Baxter.

Fourth—Marion, Boone, Searcy, Newton, Madison, Carroll, Benton and Washington.

Fifth—Pope, Johnson, Franklin, Crawford, Sebastian, Sarber and Yell.

Sixth—Lonoke, Pulaski, Van Buren and Faulkner.

Seventh—Grant, Hot Spring, Garland, Perry, Saline and Conway.

Eighth—Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike and Clark.

Ninth—Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita and Calhoun.

Tenth—Chicot, Drew, Ashley, Bradley, Dorsey and Dallas.

Eleventh—Desha, Arkansas, Lincoln and Jefferson.

Until otherwise provided by the General Assembly, the circuit courts shall be begun and held in the several counties as follows:

#### FIRST CIRCUIT.

White—First Monday in February and August. Woodruff—Third Monday in February and August. Prairie—Second Monday after the third Monday in February and August. Monroe—Sixth Monday after the third Monday in February and August. St. Francis—Eighth Monday after the third Monday in February and August. Lee—Tenth Monday after the third Monday in February and August. Phillips—Twelfth Monday after the third Monday in February and August.

#### SECOND CIRCUIT.

Mississippi—First Monday in March and September. Crittenden—Second Monday in March and September. Cross—Second Monday after the second Monday in March and September. Poinsett—Third Monday after the second Monday in March and September. Craighead—Fourth Monday after the second Monday in March and September. Greene—Sixth Monday after the second Monday in March and September. Clayton—Seventh Monday after the second Monday in March and September. Randolph—Ninth Monday after the second Monday in March and September.

#### THIRD CIRCUIT.

Jackson—First Monday in March and September. Lawrence—Fourth Monday in March and September. Sharp—Second Monday after the fourth Monday in March and September. Fulton—Fourth Monday after the fourth Monday in March and September. Baxter—Sixth Monday after the fourth Monday in March and September. Izard—Seventh Monday after the fourth Monday in March and September. Stone—Ninth Monday after the fourth Monday in March and September. Independence—Tenth Monday after the fourth Monday in March and September.

#### FOURTH CIRCUIT.

Marion—Second Monday in February and August. Boone—Third Monday in February and August. Searcy—Second Monday after the third Monday in February and August. Newton—Third Monday after

the third Monday in February and August. Carroll—Fourth Monday after the third Monday in February and August. Madison—Fifth Monday after the third Monday in February and August. Benton—Sixth Monday after the third Monday in February and August. Washington—Eighth Monday after the third Monday in February and August.

#### FIFTH CIRCUIT.

Greenwood District, Sebastian County—Third Monday in February and August. Fort Smith District, Sebastian County—First Monday after the fourth Monday in February and August. Crawford—Fourth Monday after the fourth Monday in February and August. Franklin—Sixth Monday after the fourth Monday in February and August. Sarber—Eighth Monday after the fourth Monday in February and August. Yell—Tenth Monday after the fourth Monday in February and August. Pope—Twelfth Monday after the fourth Monday in February and August. Johnson—Fourteenth Monday after the fourth Monday in February and August.

#### SIXTH CIRCUIT.

In the County of Pulaski on the First Monday in February, and continue twelve weeks, if the business of said court require it. In the County of Lonoke on the first Monday succeeding the Pulaski court, and continue two weeks if the business of said court require it. In the County of Faulkner on the first Monday after the Lonoke court, and continue two weeks if the business of said court require it. In the County of Van Buren on the first Monday after the Faulkner court, and continue two weeks if the business of said court require it.

#### FALL TERM, SIXTH CIRCUIT.

In the County of Pulaski on the first Monday in October, and continue seven weeks if the business of said court require it. In the County of Lonoke on the first Monday next after the Pulaski court, and continue two weeks if the business of said court require it. In the County of Faulkner on the first Monday after the Lonoke court, and continue one week if the business of said court require it. In the County of Van Buren on the first Monday after the Faulkner court, and continue one week if the business of said court require it.

#### SEVENTH CIRCUIT.

Hot Spring—Second Monday in March and September. Grant—Third Monday in March and September. Saline—Fourth Monday in March and September. Conway—Second Monday after the fourth Monday in March and September. Perry—Fourth Monday after the fourth Monday in March and September. Garland—Fifth Monday after the fourth Monday in March and September.



## EIGHTH CIRCUIT.

Montgomery—First Monday in February and August. Scott—First Monday after the first Monday in February and August. Polk—Second Monday after the first Monday in February and August. Sevier—Third Monday after the first Monday in February and August. Little River—Fifth Monday after the first Monday in February and August. Howard—Seventh Monday after the first Monday in February and August. Pike—Eighth Monday after the first Monday in February and August. Clark—Ninth Monday after the first Monday in February and August.

## NINTH CIRCUIT.

Calhoun—First Monday in March and September. Union—Second Monday after the first Monday in March and September. Columbia—Fourth Monday after the first Monday in March and September. Lafayette—Sixth Monday after the first Monday in March and September. Hempstead—Eighth Monday after the first Monday in March and September. Nevada—Eleventh Monday after the first Monday in March and September. Ouachita—Thirteenth Monday after the first Monday in March and September.

## TENTH CIRCUIT.

Dorsey—Third Monday in February and August. Dallas—First Monday in March and September. Bradley—Second Monday in March and September. Ashley—Third Monday in March and September. Drew—Second Monday after the third Monday in March and September. Chicot—Fourth Monday after the third Monday in March and September.

## ELEVENTH CIRCUIT.

In the County of Desha on the first Monday in March and September. In the County of Arkansas on the fourth Monday in March and September. In the County of Lincoln on the third Monday after the fourth Monday in March and September. In the County of Jefferson on the sixth Monday after the fourth Monday in March and September.

## ARTICLE XIX.

## MISCELLANEOUS PROVISIONS.

Section 1. No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any court.

Sec. 2. No person who may hereafter fight a duel, assist in the same as second, or send, accept or knowingly carry a challenge therefor shall hold any office in the State for a period of ten years, and may be otherwise punished as the law may prescribe.

Sec. 3. No person shall be elected to or appointed to fill a vacancy in any office who does not possess the qualifications of an elector.

Sec. 4. All civil officers for the State at large shall reside within the State, and all district, county and township officers within their respective districts, counties and townships, and shall keep their offices at such places therein as are now or may hereafter be required by law.

Sec. 5. All officers shall continue in office after the expiration of their official terms until their successors are elected and qualified.

Sec. 6. No person shall hold or perform the duties of more than one office in the same department of the government at the same time, except as expressly directed or permitted by this Constitution.

Sec. 7. Absence on business of the State, or of the United States, or on a visit or on necessary private business, shall not cause a forfeiture of residence once obtained.

Sec. 8. It shall be the duty of the General Assembly to regulate by law in what cases and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

Sec. 9. The General Assembly shall have no power to create any permanent State office not expressly provided for by this Constitution.

Sec. 10. Returns for all elections for officers who are to be commissioned by the Governor, and for members of the General Assembly, except as otherwise provided by this Constitution, shall be made to the Secretary of State.

Sec. 11. The Governor, Secretary of State, Auditor, Treasurer, Attorney General, judges of the Supreme Court, judges of the circuit courts, Commissioner of State Lands and prosecuting attorneys shall each receive a salary, to be established by law, which shall not be increased or diminished during their respective terms, nor shall any of them, except the prosecuting attorneys, after the adoption of this Constitution, receive to his own use any fees, costs, perquisites of office or other compensation; and all fees that may hereafter be payable by law for any service performed by any officer mentioned in this section, except prosecuting attorneys, shall be paid in advance into the State treasury. Provided, that the salaries of the respective officers herein mentioned shall never exceed per annum:

For Governor, the sum of \$4,000.00; for Secretary of State, the sum of \$2,500.00; for Treasurer, the sum of \$3,000.00; for Auditor, the sum of \$3,000.00; for Attorney General, the sum of \$2,500.00; for Commissioner of State Lands, the sum of \$2,500.00; for judges of the Supreme Court, each, the sum of \$4,000.00; for judges of the circuit courts and chancellors, each, the sum of \$3,000.00; for prosecuting attorney, the sum of \$400.00.

And provided further, that the General Assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next General Assembly.

Sec. 12. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

Sec. 13. All contracts for a greater rate of interest than ten per centum per annum shall be void, as to principal and interest, and the General Assembly shall prohibit the same by law, but when no rate of interest is agreed upon the rate shall be six per centum per annum.

Sec. 14. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

Sec. 15. All stationery, printing, paper, fuel, for the use of the General Assembly and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals, department reports and all other printing and binding and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Sec. 16. All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor, or for providing for the care and keeping of paupers where there are no alms-houses, shall be given to the lowest responsible bidder under such regulations as may be provided by law.

Sec. 17. The laws of this State, civil and criminal, shall be revised, digested, arranged, published and promulgated at such times and in such manner as the General Assembly may direct.

Sec. 18. The General Assembly, by suitable enactments, shall require such appliances and means to be provided and used as may be necessary to secure as far as possible the lives, health and safety of persons employed in mining and of persons traveling upon railroads and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

Sec. 19. It shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf and dumb and of the blind, and also for the treatment of the insane.

Sec. 2. Senators and Representatives and all judicial and executive State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I———, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of ——, upon which I am now about to enter."

Sec. 21. The sureties upon the official bonds of all State officers shall be residents of and have sufficient property within the State not exempt from sale under execution, attachment or other process of any court to make good their bonds; and the sureties upon the official

bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein not exempt from such sale to make good their bonds.

Sec. 22. Either branch of the General Assembly at a regular session thereof may propose amendments to this Constitution, and, if the same be agreed to by a majority of all the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for Senators and Representatives, at which time the same shall be submitted to the electors of the State for approval or rejection; and if a majority of the electors voting at such election adopt such amendments the same shall become a part of this constitution; but no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 23. No officer of this State, nor of any county, city or town, shall receive, directly or indirectly, for salary, fees and perquisites, more than five thousand dollars net profits per annum in par funds, and any and all sums in excess of this amount shall be paid into the State, county, city or town treasury, as shall hereafter be directed by appropriate legislation.

Sec. 24. The General Assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this Constitution.

Sec. 25. The present seal of the State shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this Constitution.

Sec. 26. Militia officers, officers of the public schools and notaries may be elected to fill any executive or judicial office.

Sec. 27. Nothing in this Constitution shall be so construed as to prohibit the General Assembly from authorizing assessments on real property for local improvements in towns and cities, under such regulations as may be prescribed by law, to be based upon the consent of a majority in value of the property holders owning property adjoining the locality to be affected; but such assessments shall be ad valorem and uniform.

#### SCHEDULE.

Section 1. All laws now in force which are not in conflict or inconsistent with this Constitution shall continue in force until amended or repealed by the General Assembly, and all laws exempting property from sale on execution or by decree of a court which were in force at the time of the adoption of the Constitution of 1868 shall remain in force with regard to contracts made before that time. Until otherwise provided by law, no distinction shall exist between sealed and

unsealed instruments concerning contracts between individuals executed since the adoption of the Constitution of 1868; provided, that the statutes of limitation with regard to sealed and unsealed instruments in force at that time continue to apply to all instruments afterward executed until altered or repealed.

Sec. 2. In civil actions no witness shall be excluded because he is a party to the suit or interested in the issue to be tried. Provided, that in actions by or against executors, administrators or guardians in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements of the testator, intestate or ward, unless called to testify thereto by the opposite party. Provided further, that this section may be amended or repealed by the General Assembly.

Sec. 3. An election shall be held at the several election precincts of every county of the State on Tuesday, the 13th day of October, 1874, for Governor, Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of State Lands for two years, unless the office is sooner abolished by the General Assembly, chancellor and clerk of the separate chancery court of Pulaski County, Chief Justice and two Associate Justices of the Supreme Court, a circuit judge and prosecuting attorney for each judicial circuit provided for in this Constitution, Senators and Representatives to the General Assembly, all county and township officers provided for in this Constitution; and also for the submission of this Constitution to the qualified electors of the State for its adoption or rejection.

Sec. 4. The qualification of voters at the election to be held as provided in this schedule shall be the same as is now prescribed by law.

Sec. 5. The State Board of Supervisors hereinafter mentioned shall give notice of said election immediately after the adoption of this Constitution by this convention by proclamation in at least two newspapers published at Little Rock, and such other newspapers as they may select. And each county board of supervisors shall give public notice in their respective counties of said election immediately after their appointment.

Sec. 6. The Governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election and preventing any disturbance of the same.

Sec. 7. Augustus H. Garland, Gordon N. Peay and Dudley E. Jones are hereby constituted a State Board of Supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said board by refusal to serve, death, removal, resignation or otherwise, or if any member should become incapacitated from performing said duties, the remaining members of the board shall fill the vacancy

by appointment. But, if all the places on said board become vacant at the same time, the said vacancies shall be filled by the president of this convention.

Sec. 8. Said State board shall at once proceed to appoint a board of election supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State board. A majority of each board shall constitute a quorum and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the State board.

Sec. 9. The State board shall provide the form of poll books, and each county board shall furnish the judges of each election precinct with three copies of the poll-books in the form prescribed and with ballot boxes at the expense of the county.

Sec. 10. The State Board of Supervisors shall cause to be furnished in pamphlet form, a sufficient number of copies of this Constitution to supply each county supervisor and judge of election with a copy, and shall forward the same to the county election boards for distribution.

Sec. 11. The boards of county election supervisors shall at once proceed to appoint three judges of election for each election precinct in their respective counties, and the judges shall appoint three election clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the judges of any election precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons in the manner provided by law to act in their place, who shall be sworn as above.

Sec. 12. Said election shall be conducted in accordance with existing laws, except as herein provided. As the electors present themselves at the polls to vote the judges of the election shall pass upon their qualifications and the clerks of the election shall register their names in the poll-books if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the Constitution of this State, and then their votes shall be taken.

Sec. 13. Each elector shall have written or printed on his ticket "For Constitution" or "Against Constitution," and also the offices and the names of the candidates for the offices for whom he desires to vote.

Sec. 14. The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered and the corresponding numbers shall be placed on the ballots by the judges when deposited.

Sec. 15. All dram shops and drinking houses in this State shall be closed during the day of said election and the succeeding night, and any person selling or giving away intoxicating liquors during said

day or night shall be punished by fine not less than two hundred dollars for each and every offense, or imprisoned not less than six months, or both.

Sec. 16. The polls shall be opened at 8 o'clock in the forenoon and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting as soon as the polls are closed, unless prevented by violence or accident, and the results by them certified on the poll books and the ballots sealed up. They shall be returned to the county board of election supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the Constitution and the number cast against the Constitution, and also the number of votes cast for each candidate voted for for any office, and shall forthwith forward to the State Board of Supervisors, duly certified by them, one copy of the statement or abstract of the votes so made out by them, retain one copy in their possession and file one copy in the office of the county clerk, where they shall also deposit for safe-keeping the ballots, sealed up, and one copy of the poll-books, retaining possession of the other copies.

Sec. 17. The State Board of Supervisors shall at once proceed, on receiving such returns from the county board, to ascertain therefrom and state the whole number of votes given for the Constitution and the whole number given against it, and if a majority of all votes cast be in favor of the Constitution they shall at once make public that fact by publication in two or more of the leading newspapers published in the City of Little Rock, and this Constitution, from that date, shall be in force; and they shall also make out and file in the office of the Secretary of State an abstract of all the votes cast for the Constitution and all the votes cast against it, and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the Secretary of State, showing the candidate elected. They shall also make out and certify and lay before each house of the General Assembly a list of the members elected to that house, and shall also make out, certify and deliver to the Speaker of the House of Representatives an abstract of all votes cast at the election for any and all persons for the office of Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, and the said Speaker shall cast up the votes and announce the names of the persons elected to these offices. The Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

Sec. 18. All officers shown to be elected by the abstract of said election filed by the State Board of Supervisors in the office of the Secretary of State, required by this Constitution to be commissioned, shall be commissioned by the Governor.

Sec. 19. At said election the qualified voters of each county and senatorial district, as defined in Article eight of this Constitution, shall elect respectively Representatives and Senators according to the numbers and apportionment contained in said article. The board of election supervisors of each county shall furnish certificates of election to the person or persons elected to the House of Representatives as soon as practicable after the result of the election has been ascertained, and such board of election supervisors in each county shall make a correct return of the election for senator or senators to the board of election supervisors of the county first named in the senatorial apportionment, and said board shall furnish certificates of election to the person or persons elected as Senator or Senators in said senatorial district as soon as practicable.

Sec. 20. All officers elected under this Constitution, except the Governor, Secretary of State, Auditor of State, Treasurer, Attorney General and Commissioner of State Lands, shall enter upon the duties of their several offices when they shall have been declared duly elected by said State Board of Supervisors and shall have duly qualified. All such officers shall qualify and enter upon the duties of their office within fifteen days after they have been duly notified of their election.

Sec. 21. Upon the qualification of the officers elected at said election the present incumbents of the offices for which the election is held shall vacate the same and turn over to the officers thus elected and qualified all books, papers, records, moneys and documents belonging or pertaining to said offices by them respectively held.

Sec. 22. The first session of the General Assembly under this Constitution shall commence on the first Tuesday after the second Monday in November, 1874.

Sec. 23. The county courts provided for in this Constitution shall be regarded in law as a continuation of the boards of supervisors now existing by law, and the circuit courts shall be regarded in law as a continuation of the criminal courts wherever the same may have existed in their respective counties, and the probate courts shall be regarded as continuations of the circuit courts for the business within the jurisdiction of such probate courts, and the papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change made in this Constitution.

Sec. 24. All officers now in office whose offices are not abolished by this convention shall continue in office and discharge the duties imposed on them by law until their successors are elected and qualified under this Constitution. The office of Commissioner of State Lands shall be continued, provided that the General Assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.



Sec. 25. Any election officer appointed under the provisions of this schedule who shall fraudulently and corruptly permit any person to vote illegally, or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace or promises from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Sec. 26. All officers elected at the election provided for in this schedule shall hold their offices for the respective periods provided for in the foregoing Constitution, and until their successors are elected and qualified. The first general elections after the ratification of this Constitution shall be held on the first Monday of September, A. D. 1876. Nothing in this Constitution and the schedule thereto shall be so construed as to prevent the election of congressmen at the time as now prescribed by law.

Sec. 27. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to defray the expenses of the election provided for in this schedule and the Auditor of State shall draw his warrant on the Treasurer for such expenses not exceeding said amount on the certificate of the State Board of Supervisors of Election.

Sec. 28. For the period of two years from the adoption of this Constitution, and until otherwise provided by law, the respective officers herein enumerated shall receive for their services the following salaries per annum:

For Governor, the sum of \$3,500.00; for Secretary of State, the sum of \$2,000.00; for Treasurer, the sum of \$2,500.00; for Auditor, the sum of \$2,500.00; for Attorney General, the sum of \$2,000.00; for Commissioner of State Lands, the sum of \$2,000.00; for judges of the Supreme Court, each, the sum of \$3,500.00; for judges of circuit and chancery courts, each, the sum of \$2,500.00; for prosecuting attorneys, each, the sum of \$400.00; for members of the General Assembly, the sum of \$6.00 per day and twenty cents per mile for each mile traveled in going to and returning from the seat of government over the most direct and practicable route.

*Done in convention at Little Rock the seventh day of September, in the year of our Lord one thousand eight hundred and seventy-four, and the independence of the United States the ninety-ninth.*

In Witness Whereof, we have hereunto subscribed our names,

GRANDISON D. ROYSTON,  
President of the Convention and Delegate from  
the County of Hempstead.

THOMAS W. NEWTON,  
Secretary.

A. M. RODGERS, Delegate from Benton County.  
HORACE H. PATTERSON, Delegate from Benton County.  
W. W. BAILEY, Delegate from Boone County.  
JOHN R. HAMPTON, Delegate from Bradley County.  
JOHN W. CYPERT, Delegate from Baxter County.  
BRADLEY BUNCH, Delegate from Carroll County.  
JESSE A. ROSS, Delegate from Clark County.  
H. F. THOMASON, Delegate from Crawford County.  
W. D. LEIPER, Delegate from Dallas County.  
WM. J. THOMPSON, Delegate from Woodruff County .  
JAMES A. GIBSON, Delegate from Arkansas County.  
HENRY W. CARTER, Delegate from Pike County.  
DANIEL F. REINHARDT, Delegate from Prairie County.  
ELIJAH MOSELEY, Delegate from Ouachita County.  
STEPHEN C. BATES, Delegate from Polk County.  
G. P. SMOOTE, Delegate from Columbia County.  
D. L. KILGORE, Delegate from Columbia County.  
WILLIAM S. HANNA, Delegate from Conway County.  
JOHN S. ANDERSON, Delegate from Craighead County.  
J. G. FRIERSON, Delegate from Cross County.  
E. FOSTER BROWN, Delegate from Clayton County.  
JAS. P. STANLEY, Delegate from Drew County.  
JOHN NIVEN, Delegate from Dorsey County.  
WILLIAM W. MANSFIELD, Delegate from the County of Franklin.  
JOHN DUNAWAY, Delegate from the County of Faulkner.  
DAVIDSON D. CUNNINGHAM, Delegate from Grant County.  
BEN H. CROWLEY, Delegate from the County of Greene.  
H. M. RECTOR, Delegate from Garland County.  
JOHN R. EAKIN, Delegate from Hempstead County.  
W. C. KELLY, Delegate from Hot Spring County.  
J. W. BUTLER, Delegate from Independence County.  
JAMES RUTHERFORD, Delegate from Independence County.  
RANSOM GULLEY, Delegate from IZARD County.  
FRANKLIN DOSWELL, Delegate from Jackson County.  
JOHN A. WILLIAMS, Delegate from Jefferson County.  
SETH J. HOWELL, Delegate from Johnson County.  
PHILIP K. LESTER, Delegate from Lawrence County.  
J. H. WILLIAMS, Delegate from Little River County.  
J. P. EAGLE, Delegate from Lonoke County.  
REASON G. PUNTNEY, Delegate from Lincoln County .

MONROE ANDERSON, Delegate from Lee County.  
JOHN CARROLL, Delegate from Madison County.  
S. P. HUGHES, Delegate from Monroe County.  
NICHOLAS W. CABLE, Delegate from Montgomery County.  
CHARLES BOWEN, Delegate from Mississippi County.  
R. K. GARLAND, Delegate from Nevada County.  
HENRY G. BUNN, Delegate from Ouachita County.  
W. H. BLACKWELL, Delegate from Perry County.  
JOHN J. HORNOR, Delegate from Phillips County.  
JOHN R. HOMER SCOTT, Delegate from County of Pope.  
JOHN MILLER, JR., Delegate from the County of Randolph.  
SIDNEY M. BARNES, Delegate from the County of Pulaski.  
JABEZ M. SMITH, Delegate from Saline County.  
BEN B. CHISM, Delegate from the County of Sarber.  
J. W. SORRELLS, Delegate from Scott County.  
W. S. LINDSEY, Delegate from Searcy County.  
R. P. PULLIAM, Delegate from Sebastian County.  
W. M. FISHBACK, Delegate from Sebastian County.  
B. H. KINSWORTHY, Delegate from Sevier County.  
LEWIS WILLIAMS, Delegate from Sharp County.  
JOHN M. PARROTT, Delegate from Saint Francis County.  
WALTER J. CAGLE, Delegate from Stone County.  
HORATIO G. P. WILLIAMS, Delegate from Union County.  
ROBT. GOODWIN, Delegate from Union County.  
A. R. WITT, Delegate from Van Buren County.  
R. P. POLK, Delegate from Phillips County.  
T. W. THOMASON, Delegate from Washington County.  
BENJAMIN F. WALKER, Delegate from Washington County.  
M. F. LAKE, Delegate from Washington County.  
JESSE N. CYPERT, Delegate from White County.  
J. W. HOUSE, Delegate from White County.  
JOSEPH T. HARRISON, Delegate from Yell County.  
MARCUS L. HAWKINS, Delegate from Ashley County.  
EDWIN R. LUCAS, Delegate from Fulton County.  
BENJAMIN W. JOHNSON, Delegate from Calhoun County.  
RODERICK JOYNER, Delegate from Poinsett County.

## PROCLAMATION

BY THE

## STATE BOARD OF ELECTION SUPERVISORS.

Office of State Board of Election Supervisors,  
Little Rock, Ark., October 30, 1874.

In pursuance of the provisions of section seventeen of the schedule to the Constitution recently framed for the State of Arkansas, the undersigned do hereby proclaim and make known that at a general election held on the thirteenth day of October, A. D. 1874, the following votes were cast "For" and "Against" said Constitution in the several counties of said State, as appears by the official returns made to said board by the county board of election supervisors, to-wit:

COUNTIES.	For Constitution.	Against Constitution.	Majorities for Constitution.	Majorities against Constitution.
Arkansas .....	1,211	430	781	.....
Ashley .....	1,147	320	827	.....
Benton .....	1,954	79	1,875	.....
Boone .....	1,374	65	1,309	.....
Bradley .....	762	65	697	.....
Baxter .....	569	45	524	.....
Calhoun .....	594	11	583	.....
Carroll .....	1,011	6	1,005	.....
Chicot .....	417	1,311	.....	894
Clark .....	1,438	662	776	.....
Columbia .....	1,376	369	1,007	.....
Conway .....	888	341	547	.....
Crawford .....	1,444	209	1,235	.....
Crittenden .....	426	954	.....	528
Craighead .....	858	6	852	.....
Cross .....	701	220	481	.....
Clayton .....	746	11	735	.....
Dallas .....	682	195	487	.....
Desha .....	425	802	.....	377
Drew .....	1,253	661	592	.....
Dorsey .....	920	210	710	.....
Franklin .....	1,377	181	1,196	.....
Fulton .....	535	.....	535	.....
Faulkner .....	1,216	65	1,151	.....
Grant .....	631	51	580	.....
Greene .....	953	.....	953	.....
Garland .....	1,046	82	964	.....
Howard .....	798	315	483	.....
Hempstead .....	1,676	677	999	.....
Hot Spring .....	539	110	429	.....
Independence .....	2,023	349	1,674	.....
Izard .....	1,229	36	1,193	.....
Jackson .....	1,743	45	1,698	.....
Jefferson .....	1,052	2,805	.....	1,753
Johnson .....	1,264	99	1,165	.....
Lafayette .....	1,070	1,045	25	.....
Lawrence .....	1,176	3	1,173	.....
Little River .....	470	423	47	.....
Lee .....	1,760	2	1,758	.....
Lonoke .....	1,500	83	1,417	.....

COUNTIES.	For Constitution.	Against Constitution.	Majorities for Constitution.	Majorities against Constitution.
Lincoln.....	886	948		62
Madison.....	1,143	111	1,032	
Marion.....	683	19	664	
Mississippi.....	986	26	910	
Monroe.....	985	744	241	
Montgomery.....	594	24	570	
Newton.....	402	157	245	
Nevada.....	1,198	211	987	
Ouachita.....	1,101	925	176	
Perry.....	323	113	210	
Phillips.....	1,958	2,184		226
Pike.....	400	184	266	
Poinsett.....	329	3	326	
Polk.....	467	49	418	
Pope.....	1,317	25	1,292	
Prairie.....	911	368	543	
Pulaski.....	3,054	2,135	919	
Randolph.....	1,246		1,246	
St. Francis.....	1,102	478	624	
Saline.....	1,019		1,019	
Scott.....	1,083	89	994	
Stone.....	655	7	648	
Searcy.....	518	104	414	
Sharp.....	945	28	917	
Sevier.....	689	80	609	
Sebastian.....	1,742	606	1,136	
Sarber.....	1,192	183	1,009	
Union.....	1,322	744	578	
Van Buren.....	976	46	930	
Washington.....	2,200	234	1,966	
White.....	2,377	58	2,319	
Woodruff.....	1,260	395	865	
Yell.....	1,430	236	1,194	
Totals.....	78,697	24,807		

Total vote "For Constitution".....78,697

Total vote "Against Constitution".....24,807

Majority "For Constitution".....53,890

Given under our hands this thirteenth day of October, 1874.

U. M. ROSE,  
DUDLEY E. JONES,  
GORDON N. PEAY,  
State Board of Election Supervisors.

## AMENDMENTS.

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### AMENDMENT NO. 1.

Article XX. The General Assembly shall have no power to levy any tax, or make any appropriations, to pay either the principal or interest, or any part thereof, of any of the following bonds of the state, or the claims, or pretended claims, upon which they may be based, to-wit: Bonds issued under an act of the General Assembly of the State of Arkansas, entitled "An act to provide for the funding of the public debt of the State," approved April 6th, A. D. 1869, and numbered from four hundred and ninety-one to eighteen hundred and sixty, inclusive, being the "funding bonds," delivered to F. W. Caper, and sometimes called "Holford bonds;" or bonds known as railroad aid bonds, issued under an act of the General Assembly of the State of Arkansas, entitled "An act to aid in the construction of railroads," approved July 21, A. D. 1868; or bonds called "levee bonds," being bonds issued under an act of the General Assembly of the State of Arkansas, entitled "An act providing for the building and repairing the public levees of the State, and for other purposes," approved March 16, A. D. 1869, and the supplemental act thereto, approved April 12, 1869; and the act entitled "An act to amend an act entitled an act providing for the building and repairing of the public levees of this state," approved March 23, A. D. 1871; and any law providing for any such tax or appropriation, shall be null and void.

Declared to be adopted by the Speaker of the House on January 14, 1885, and after due attestation and filing was so proclaimed by the Governor. Vote for the amendment being 119,806; and the vote against the amendment being 15,492.

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### AMENDMENT NO. 2.

Article XXI. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct or ward one month next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the General Assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas. Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote; and provided further, that the said tax

receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Declared to be adopted by the Speaker of the House on the 12th day of January, 1893; the vote standing for amendment, 75,940; against the amendment, 56,601; and after due attestation and filing was so proclaimed by the Governor.

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#### AMENDMENT NO. 3.

Article XXII. The Governor shall, in case a vacancy occurs in any State, district, county or township office in the State, either by death, resignation or otherwise, fill the same by appointment, such appointment to be in force and effect until the next general election thereafter.

Declared to be adopted by the Speaker of the House on January 17, 1895, and after attestation and filing was so proclaimed by the Governor. Vote for the amendment being 43,446; and the vote against the amendment being 40,207.

Declared by the Supreme Court on April 23, 1906, as not being legally adopted. See Supreme Court Report No. 78, page 432.

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#### AMENDMENT NO. 4.

That Section 10, of Article 17, of the Constitution of the State of Arkansas, be amended so as to read as follows:

Article XVII, Section 10. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads, canals and turnpike companies for transporting freight and passengers, and shall provide for enforcing such law by adequate penalties and forfeitures, and shall provide for the creation of such offices and commissions and vest in them such authority as shall be necessary to carry into effect the powers hereby conferred.

Declared to be adopted by the Speaker of the House on January 13, 1899, and after attestation and filing was so proclaimed by the Governor. Vote for the amendment being 63,733; and the vote against the amendment being 16,940.

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#### AMENDMENT NO. 5.

The country courts of the State in their respective counties, together with a majority of the justices of the peace of such county, in addition to the amount of county tax allowed to be levied, shall have the power to levy not exceeding three mills on the dollar on all taxable property of their respective counties, which shall be known as the County Road Tax, and when collected shall be used in the respective counties for the purpose of making and repairing public roads and bridges of the

respective counties, and for no other purpose, and shall be collected in United States currency or county warrants legally drawn on such road tax fund, if a majority of the qualified electors of such county shall have voted public road tax at the general election for State and county officers preceding such levy at each election.

Declared to be adopted by the Speaker of the House on the 13th day of January, 1899. Vote for the amendment being 57,209; and the vote against the amendment being 24,079.

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#### AMENDMENT NO. 6.

The sureties upon the official bonds of all State officers shall be residents of, and have sufficient property within the State, not exempt from sale under execution, attachment or other process of any court, to make good their bonds, and the sureties upon the official bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds. Provided, however, that any surety, bonding or guaranty company, organized for the purpose of doing a surety or bonding business, and authorized to do business in this State, may become surety on the bonds of all State, county, and municipal officers under such regulations as may be prescribed by law.

Vote for amendment, 65,825. Vote against amendment, 23,033. Proclamation declaring Amendment No. 6 adopted and ratified was issued by Governor Jefferson Davis on February 20, 1902.

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#### AMENDMENT NO. 7.

That Section 16, of Article 5, of the Constitution of the State of Arkansas, be amended so as to read as follows:

Article V, Section 16. Pay and Mileage. The members of the General Assembly shall receive such pay and mileage for their services as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services under any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election.

Election on above amendment held September 1, 1902. For amendment received 45,598 votes. Against amendment received 43,982 votes. Declared adopted by the Speaker of the House of Representatives on the 14th day of January, 1903.

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#### AMENDMENT NO. 8.

That Section 3, of Article 14, of the Constitution of the State of Arkansas, be amended so as to read as follows:



Article XIV, Section 3. The General Assembly shall provide by general laws for the support of common schools by taxes, which shall never exceed in any one year three mills on the dollar on the taxable property of the State, and by an annual per capita tax of one dollar, to be assessed on every male inhabitant of this state over the age of twenty-one years. Provided, the General Assembly may, by general law, authorize school districts to levy by a vote of the qualified electors of such district a tax not to exceed seven mills on the dollar in any one year for school purposes. Provided further, that no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.

Election on above amendment held September 3, 1906. For amendment received 92,969 votes. Against amendment received 47,368 votes. It was declared adopted by a joint session of the General Assembly held January 17, 1907, and after due attestation and filing, was so proclaimed by the Governor.

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#### AMENDMENT NO. 9.

Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct, town or ward one month, next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the General Assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas. Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election, and possesses the other necessary qualifications, shall be permitted to vote; and provided further, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Amendment No. 9 was voted upon at the general election held on September 14, 1908, at which the vote was cast as follows: For the amendment, 88,386; against the amendment, 46,835. It was declared adopted by the joint session of the General Assembly held on January 14, 1909, and proclaimed as of legal effect by the Governor of Arkansas on March 16, 1909.

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#### AMENDMENT NO. 10.

##### INITIATIVE.

Article V, Section 1. The legislative powers of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives, but the people of each municipality, each county and

of the State, reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls as independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative and not more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon.

#### REFERENDUM.

The second power is referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health and safety) either by the petition signed by five per cent of the legal voters or by the legislative assembly as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon and not otherwise. The style of all bills shall be, "Be it enacted by the people of the State of Arkansas." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for the office of Governor at the regular election, last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal votes necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he and all other officers shall be guided by the general laws and the acts submitting this amendment until legislation shall be specially provided therefor.

Declared to be adopted by the Speaker of the House on January 12, 1911, and after due attestation and filing was proclaimed by the Governor. Vote for the amendment being 91,567, and the vote against the amendment being 39,111.











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